IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

MACA.No. 1783 of 2006()

OPMV.1082/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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APPELLANT/PETITIONER

HARSHA KUMAR, AGED 30,
S/O.RAJAPPAN, THEKKEDATH HOUSE,
SOUTH PARAVUR, MANAKUNNAM VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.S.K.MURALEEDHARA KAIMAL

RESPONDENTS: RESPONDENTS

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1. VINOD, S/O.CHANDRAN,
POTHEZHATH HOUSE, VALLIVATTOM P.O.,
VALLIVATTOM VILLAGE, THRISSUR DISTRICT.

2. RAJANI SATHYAN,
W/O.SATHYAN, MULLARATH HOUSE,
MUTHUVATTOOR, CHAVAKKAD, THRISSU DISTRICT.

3. THE MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
ANUGRAHA BUILDINGS, WADAKKANCHERRY ROAD,
KUNNAMKULAM 680 503.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 1783 OF 2006

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Dated this the 10th day of September, 2007

J U D G M E N T

Petitioner in O.P(MV) No. 1082 of 2002 on the file of the Motor Accidents Claims Tribunal, Ernakulam is the appellant.

2. Petitioner filed the aforesaid petition for compensation. Tribunal awarded a sum of Rs.15,450/- as compensation. According to the petitioner the amount awarded by the Tribunal is highly inadequate and hence he filed this appeal for additional compensation.

3. When intimation of this appeal was issued to the Tribunal, the Tribunal had informed this Court that subsequent to the passing of the award, Insurer filed I.A. No.6466 of 2006 for reviewing the award passed by the Tribunal and by order dated 10.2.2007 the Tribunal reviewed the award passed and posted the case for enquiry.

4. Since the award passed by the Tribunal has already set aside, this appeal has become infructuous and the same is only to be disposed of as such.

In the result, the appeal is disposed of as infructuous, without prejudice to the rights of the petitioner to raise all the contentions raised in this appeal before the Tribunal.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 1783 OF 2006

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J U D G M E N T

10TH SEPTEMBER, 2007